

4/9/07  
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## **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**February 26, 2007  
Acton Town Hall, Faulkner Hearing Room**

**A Special Executive Session will start at 6:00 PM  
Regular Meeting will begin at 7:00 P.M.**

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton and Mr. Hunter. The Town Manager and Assistant Town Manager were present. The meeting was televised.

**LAUREN ROSENZWEIG MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY. ALL AYES. The Board adjourned into executive session.**

### **CITIZENS' CONCERNS**

Peter Babcock of the South Acton Congregation spoke about the Blue Bird Realty Trust project and how they have supported it. Walter noted that they could not continue discussing this as the hearing had been officially closed and a decision is being prepared.

Matt Leibman came to the Board looking for support for solar panel challenge. They want 150 households to make a tax deductible contribution to be eligible for receiving a 2000-watt solar panel worth \$22,000 to be installed on a municipal building. He wanted the town's support. The Board will support.

### **PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Don passed due to the length of the agenda.

#### **CLASS II LICENSE. 140 GREAT ROAD, ACTON AUTO IMPORTERS**

They are leasing the Building from the McGinnis family. No other changes were requested. PETER ASHTON – Moved to approve. DORE' HUNTER – second. UNANIMOUS VOTE

#### **SITE PLAN SPECIAL PERMIT #07/11/06-409, 288 MAIN STREET, EDWARD BRAVO**

WALTER FOSTER – Moved to continue to March 12 at 7:50. DORE' HUNTER – second. UNANIMOUS VOTE

### **CITIZEN'S PETITION WARRANT ARTICLE, WIRELESS COMMUNICATION FACILITIES**

Mr. Tuffin 23 Arlington Street introduced Sidney Johnston an attorney representing the Arlington Street Neighborhood gave a presentation about the petition that he drafted. They want the cell towers more than 1,000 feet from Schools. The Cell towers are ugly and they are an attractive nuisance for children. There is a danger of electrical shock and electrocution. They looked at the Master Plan and Cell towers should be restricted to business and town owned land. He discussed the Edward Angel and Palmer and Dodge's memo as well as his documents. They ask the Board to recommend at Town Meeting. Mr. Tuffin spoke about the Cell Tower Article they have submitted and the Planning Board's article does not protect the neighborhood.

Andy commented on the materials that were submitted. Andy spoke to the comment about regulation Section 704. Andy said that gaps don't trump zoning issues.

Dore' noted that this is a feel good article and will make some people happy. He does not think this will hold up in court. He feels it may pass at town meeting but was concerned about litigation.

Peter commented that he was sympathetic to this but wanted something crafted to withstand the potential Litigation.

Lauren noted she sat on the Planning Board and sat on several Cell Hearings. She said that the Planning Board has crafted their own which is strong. She said that the Planning Board's article supports the neighborhood protection. She offered to relook at this subject.

Walter echoed the sentiment of the Board and was receptive of amending this some way. Walter asked if we would be the test case and asked Mr. Johnston if he knew of any towns that have had their bylaw challenged. Walter did not want to spend money on litigation.

Jim Monahan commented on the conflict of interest. He was assured that there was none. The Board will defer recommendation until town meeting.

#### **ASSESSOR'S OVERSIGHT MEETING**

Dave Brown made a presentation to the Board of Selectmen about what the Board of Assessor's does with regard to assessments and other items that make up their work load.

Dore' congratulated their staff on their good work with the Veteran's that Dore' has sent down to work with their staff.

Peter asked about the number of abatements, how is that percentage broken up between residential or commercial? David Brown noted it probably is equal.

Lauren echoed the appreciation of staff. Lauren asked about security issues with getting information on line. David Brown explained it is public information except for Clause 18.

#### **COMMITTEE INTERVIEW, JON BENSON, RECREATION COMMISSION**

He noted he had been recruited by Matt Lundberg. PETER ASHTON – Move to appoint Mr. Benson. ANDREW MAGEE – second. UNANIMOUS VOTE

#### **COMMITTEE INTERVIEW, KAREN JARSKY, RECREATION COMMISSION**

Ms. Jarsky wanted to be sure that every one felt there were enough recreation opportunities in town. She wants to work on fields, and safe convenient play grounds. PETER ASHTON – Moved to appoint Ms. Jarsky. DORE' HUNTER – second. UNANIMOUS VOTE

#### **DESIGN REVIEW GUIDELINES PROPOSAL**

Lauren outlined the committee and the tasks they have performed. They are asking for establishment of a Design Review Committee made up of a varied background for the committee. Peter thanked Lauren and the members who worked on this proposal. Walter was concerned with a group to review every site plan. Walter has some questions and the need to outreach to developers.

Terra spoke about pulling together opinions and provide a focal point as to what we want as a town.

It was suggested that we have Five full and 2 associates LAUREN ROSENZWEIG – Moved to appoint a design review to advise the Board on issues of design and advisory to BOS on commercial site plans and may be made up of people having some of the following background. DORE' HUNTER – second. UNANIMOUS VOTE

### **SPECIAL USE PERMIT, #04/07/03/-392, 2 CRAIG ROAD, PEAK PERFORMANCE PARTNERS, REQUEST FOR AMENDMENT**

Applicants John Cheuboni and James Buck, are the owners of Anytime Fitness. They have a similar facility open in Clinton. It is a 24 hour adult gym. They have cameras to review the club activities. The new member gets a key card. The usage is of mid nite though 4 am is one or town uses. Walter asked about the Clinton site and if it is the same size as Acton. Clinton has 750 members and is used by 55 or 100 members on a winter day

Walter asked about a business plan and what you can and can't do. This site is in a residential neighborhood. The present hours of operation came out of the first Special Permit. Walter asked if they had contacted the abutters. Mr. Buck said they have had an open house and sent invitations.

Peter asked about the 24 hour facility, and will there be some one on site? They have someone on site from 11-7, but after that a high security key system is used they said not a key system is used. Peter disclosed his daughter went to the Peak Performance Partners, but had no concerns about 24 hour facility.

Dore' noted that we are leery of 24 hour operations. He is concerned about people coming all day hours of the day and night near a neighborhood. He was surprised that they did not reach out to the neighbors before coming in. Dore' was concerned about the neighbors.

Andy agreed with the other Board Members. He felt that it could have been worked out and they could have gone forward with the proposal. It will not happen now, and you need to go through this and come back for 24 hours. Andy said he could support the week end usage to 9:00 p.m. Andy asked that they go back to resolve the issues with the neighborhood.

Lauren wanted to hear more from the public. She asked how they monitor multiple usages. They have a camera set up outside and inside that can see who comes in each time the key card is used. The keycard records the members name and automatically on a computer. .

Andy asked about the monitoring, there is no person sitting watching? They replied that they have an emergency necklace, and they can monitor on-line by computer to remote sites. .

Jim Quinn, asked the Board to uphold he 2003 conditions. He asked that only the Craig Road exit and loading dock require the building provide more parking and screening of buildings to mitigate the light going off site on the property. Side walks and crosswalks to have safe travel.

216 School Street spoke about his work in Denver with 24 hour gyms. The use of the metal bats at Athletes Edge used outside was annoying. They feel they are shouldering impacts. He spoke about cut though off Route 2. The soccer fields, traffic by tenants at Craig Road.

Chris living across from the entrance. He said they have been responsive. The 24 hour will change the nature of the neighborhood.

Noah Zarvoulas spoke about his experience. He urged the board to allow the business to remain in Acton.

Ken Cooper – He feels he can support the new business

295 – School Street, concerned about traffic and parking.

5 Torrington Lane – Customer of the Edge. He noted that he needs to have the expanded owners. The kids in Acton need a place to go. He suggested making changes to the operation that will allow them to move forward. He feels that we need to work with the neighbors and hoped for a compromise to help them out.

Peter Grover said that the Edge has been good neighbors but the expanded hours and extra hours are a problem.

Mr. Parquett abutter to the side of the building. He doesn't think the neighborhood should have to suffer for convenience and lifestyle of members.

Mr. Robachard – He supports a compromise.

Dan Penney, 286 School Street – He supports the extension of hours. He does not see a major impact from the 24 Hour facility. He suggested a compromise.

DORE' HUNTER – Moved to continue to March 26 at 7:30 and that the approved hours be followed. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

## **MORRISON FARM REUSE COMMITTEE REPORT**

The Committee made presentation on their report.

Lauren urged the citizens to read the report. She said it will be a great asset to the community.

Andy echoed Lauren's sentiment. Andy did not see a constraints map and suggested one be prepared.

Dore' noted Belle Choate's letter. Dore' was concerned that multi use play fields would not happen. We said Farm and Athletic fields at Town Meeting.

Ethan Baxter agrees with the report and recommendations but was opposed with having prisoners involved with Morrison Farm.

Nancy Gerhard noted she voted for recreation use, and was concerned bout the use of cemetery land for parking.

Brewster Conant spoke about the issues with regard to the cemetery lands.

## BUDGET AND WARRANT DISCUSSION

Walter asked if there were any more Articles that should be on consent. He felt articles ZU and ZV should be on Consent. DORE' HUNTER – Moved to have ZU and ZV on as consent. PETER ASHTON- second.

Walter spoke about which items will be carried under the Capital Items.

Don outlined the changes to the plan. They have included library hours and COA person. Fire overtime \$100,000 put into the highway budget as paving. \$20,000 was put into Public Celebrations and FinCom reserve fund was eliminated.

Don outlined the need for COA subsidy for the COA van in the amount \$37,000

The Cemetery offset of \$52,000 which leaves us with a deficit of \$17,000. Walter said that we cut the \$17,000 from their budget and have them make it up. We should schedule a meeting with the Commissioner's to find out how the cemetery operates.

Police go back to budget  
Sewer to stand alone  
Voting machines go into budget  
BFRT  
Side walk  
Morrison Farm  
468 Main Street House  
N Acton fire station bonding  
GIS Article  
Replace car 3 coming from trust funds board of health  
Compressor and cylinders in an article  
Auto deliberators go to budget  
Hayward Road light article  
COA expansion Articles  
CPC –East Acton Green  
MDT budget  
Front end loader article  
Master Plan article  
Generator for DPW in to budget  
Zeroed the cemetery road ways improvements  
Bridge Repairs in budget  
Command Post Technology  
And two vehicles

DORE' HUNTER – Moved we adopt schedule before us for warrant articles. :LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Don asked that IT be able to use the Captains vehicle for IT activities. Board had no problem.

WALTER FOSTER -Moved to accept Recommendations. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

## EXECUTIVE SESSION

LAUREN ROSENZWEIG –Moved to go into the second Executive Session for the purpose of discussing Litigation. All AYES. UNANIMOUS All Ayes

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Recording Secty

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Clerk, Board of Selectmen  
DATE: \_\_\_\_\_

## **The Board adjourned into Open Session.**

Walter spoke about the School Contracts. We have been trying to get them to get the contracts at the same time and co-pay reductions. Discuss at another meeting.

Walter spoke about CPC dues of \$2,500 for administrative costs. It was decided to take it out of the municipal budget or CPC Budget.

## **SELECTMEN'S BUSINESS**

Lauren spoke about Transportation Advisory work on shuttles wanting to make a presentation at Town Meeting

## **CONSENT AGENDA**

Andy held 14, and Lauren held 16 Special Permit for the Acton assisted living.

ANDY MAGEE -Moved to accept without 14 and 16. #14 Andy wanted to add a comment to the item that it did not address the chromium in the wells. They will be putting in a new well with out the packing. He wants to adopt the Water Districts comments with ours. List item in the Water District comments under 3-1 table. DORE' HUNTER –second. UNANIMOUS VOTE.

#16 Lauren wondered if there where any further information about the septic system issues at the Robbins Brook Inn. She just wanted to know if anything is outstanding. The Manager was asked to look into the septic for the next meeting. PETER ASHTON – Moved to approve one unit for occupancy. DORE' HUNTER second, 4-1 Andy Magee No.

DORE' HUNTER - Move that we grant occupancy to two units at duplex at Robbins Brook pending approval of the Building Commissioner. No other permits issued until the fence gets built. They are waiting for the weather the Town Manager to handle. LAUREN ROSENZWEIG - second. 3-1 Andy NO

## **TOWN MANAGER'S REPORT**

## **EXECUTIVE SESSION**

LAUREN ROSENZWEIG –Moved to go into Executive Session for the purpose of discussing Litigation. All AYES. UNANIMOUS and Land acquisition All Ayes

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Recording Secty

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Clerk, Board of Selectmen

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Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Faulkner Hearing Room, Town Hall*  
*February 26, 2007*

***Note: The Board of Selectmen will start with a Special Executive Session  
at 6:00 PM. and adjourn to their Regular Meeting at 7:00 PM***

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

- 1. 7:15 CLASS II USED CAR DEALER'S LICENSE, 140 GREAT ROAD, GREAT ROAD  
AUTO IMPORTS**  
Enclosed please find materials in the subject regard, for Board consideration.
- 2. 7:20 SITE PLAN SPECIAL PERMIT, #07/11/06-409, 288 MAIN STREET, BRAVO  
(FOSTER)**  
The petitioner has requested a further extension of this hearing. Enclosed please find materials in the subject regard, for Board consideration.
- 3. 7:25 CITIZEN'S PETITION WARRANT ARTICLE, WIRELESS COMMUNICATION  
FACILITIES**  
Representatives of the Citizen's Petition Warrant Article will be in to discuss their Article with the Board. Enclosed please find materials in the subject regard, for Board consideration.
- 4. 7:45 ASSESSORS OVERSIGHT MEETING**  
No Materials Enclosed
- 5. 8:00 COMMITTEE INTERVIEW, RECREATION COMMISSION, JON BENSON**  
Enclosed please find materials in the subject regard, for Board consideration.
- 6. 8:10 COMMITTEE INTERVIEW, RECREATION COMMISSION, KAREN M. JARSKY**  
Enclosed please find materials in the subject regard, for Board consideration.
- 7. 8:20 DESIGN REVIEW GUIDELINES PROPOSAL**  
Enclosed please find materials in the subject regard, for Board consideration.
- 8. 8:40 SPECIAL USE PERMIT #04/07/03-391, 2 CRAIG ROAD, PEAK PERFORMANCE  
PARTNERS, REQUEST FOR AMENDMENT**  
Enclosed please find materials in the subject regard, for Board consideration
- 9. 9:05 MORRISON FARM REUSE COMMITTEE REPORT**  
Enclosed please find materials in the subject regard, for Board consideration.



### **III. SELECTMEN'S BUSINESS**

#### **10. BUDGET AND WARRANT DISCUSSION**

Enclosed please find materials in the subject regard, for Board consideration.

#### **11. OTHER BUSINESS**

### **IV. CONSENT AGENDA**

#### **12. FIRE/EMT ADVISORY TASK GROUP APPOINTMENTS**

Enclosed please find materials in the subject regard, for Board consideration.

#### **13. FEE WAIVER REQUEST, NARA PARK, AMERICAN CANCER SOCIETY RELAY FOR LIFE**

Enclosed please find materials in the subject regard, for Board consideration.

#### **14. DRAFT REVIEW COMMENTS, W.R. GRACE NORTHEAST AREA GROUNDWATER PRE-DESIGN WORK PLAN**

Enclosed please find materials in the subject regard, for Board consideration.

#### **15. LAND DISPOSITION, 74 RIVER STREET, HABITAT FOR HUMANITY**

Enclosed please find materials in the subject regard, for Board consideration.

#### **16. SITE PLAN SPECIAL PERMIT #11/18/98-366 PHASE II, ACTON ASSISTED LIVING, LLC (ASHTON)**

Enclosed please find materials in the subject regard, for Board consideration.

#### **17. SITE PLAN SPECIAL PERMIT AND & SPECIAL USE PERMIT #09/24/98-366, 4 HIGH STREET, AMENDED DECISION**

Enclosed please find materials in the subject regard, for Board consideration

#### **18. COMMITTEE APPOINTMENT, COUNCIL ON AGING, MIKE GOWING, ASSOCIATE MEMBER, TERM TO EXPIRE 6/30/07**

Enclosed please find materials in the subject regard, for Board consideration

#### **19. ONE DAY LIQUOR LICENSE REQUEST, ACTON BARN COOPERATIVE, INC.**

Enclosed please find materials in the subject regard, for Board consideration

#### **20. ONE DAY LIQUOR LICENSE REQUEST, PROFESSIONAL BARTENDING SERVICE, INC.**

Enclosed please find materials in the subject regard, for Board consideration

#### **21. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**

Enclosed please find a gift of \$792.00 from the Citizens' Library Auxiliary to be used for Tot Time, for Board consideration.

### **V. TOWN MANAGER'S REPORT**

## **VI. EXECUTIVE SESSION**

There will be a need for Executive Session

### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

### **FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

March 12 & March 26

### **GOALS**

1. Produce Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Peter)
3. Policy review/improve Inter-Board Communications (Ashton)
4. ALG Process to be used for purpose of budget planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)